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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 29, 1988

LEGISLATIVE REFERRAL MEMORANDUM

TO: SEE ATTACHED DISTRIBUTION LIST

SUBJECT: S. 1975 -- Comprehensive Federal Law Enforcement Improvements Act.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than May 20, 1988.

Direct your questions to Gregory Jones (395-3454), of this office.

James C. Murr for
Assistant Director for
Legislative Reference

Enclosures
cc: Karen Wilson
Sam Adams

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the other agencies. Specifically, NCUA's statute does not require a showing of personal dishonesty or willful or continuing disregard for the safety or soundness of the credit union. This change maintains that distinction.

Section 301(a)(6). This section clarifies that temporary suspension power reaches any institution-related party.

Section 301(a)(7). This section gives other financial regulatory agencies the industry-wide removal authority which NCUA received last summer. It also clarifies our statutory language and makes the language consistent for all of the agencies.

Section 301(a)(8). This is a technical renumbering provision.

Section 301(a)(9). This provision declares that termination of employment does not bar an enforcement action such as a prohibition.

Section 301(a)(10). This adds violation of certain written agreements as an additional basis for assessment of civil money penalties.

Section 301(a)(11). This clarifies NCUA's ability to allow an individual who has been administratively removed to re-enter the industry.

Section 301(a)(12). This is a technical relettering provision.

Section 301(a)(13). This section provides definitions for various terms used in the amendments. This section also explicitly states that NCUA can use its administrative enforcement power to address a problem regardless of whether it has other statutory authority as well.

Section 302. This change is to Section 205 of the Act and provides that if a person convicted of a crime involving dishonesty or breach of trust is employed at an insured institution, and NCUA has not given its written approval to allow the person to continue, a civil fine of up to $1,000 a day may be imposed on both the individual and the credit union. Presently the fine is only $100 and it may only be assessed against the credit union. This section also deletes the requirement that credit unions submit periodic reports concerning security devices and procedures.

Mr. GARN. Mr. President, Senator PROXMIRE and I, at the request of the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration, are introducing the Enhanced Enforcement Powers Act of 1987. This bill represents the collective effort of the staffs of all of the Federal agencies involved with supervising depository institutions, and thus deserves our careful consideration.

It is particularly important that we consider this bill during the 100th Congress. The Senate Banking Committee recently completed an extensive series of hearings on banking reform legislation, and in particular on proposals which would permit banks to enter and compete in new fields. At these hearings, both Comptroller of the Currency Robert Clark and FDIC Chairman William Seidman specifically requested that Congress give serious consideration to this proposal, either independently or as an adjunct to the expanded powers measure. In light of these requests, and the obvious need to modernize our enforcement laws, I believe that this bill should be given careful attention.

By Mr. DECONCINI (for himself, Mr. DOMENICI, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 1975. A bill to better enable Federal law enforcement officers to accomplish their missions, to assist Federal law enforcement agencies in attracting and retaining the most qualified personnel, and for other purposes; to the Committee on Governmental Affairs.

COMPREHENSIVE FEDERAL LAW ENFORCEMENT IMPROVEMENTS ACT

Mr. DECONCINI. Mr. President, today, I am introducing, along with my colleagues Senators DOMENICI, D'AMATO, and MOYNIHAN, the Comprehensive Federal Law Enforcement Improvements Act of 1987—legislation which will better enable the Nation's Federal law enforcement officers to accomplish their critically important missions.

All of us in the Congress share a strong commitment to fighting crime, as evidenced by the broad bipartisan support which has produced important legislative initiatives in recent years, including the Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986. Such legislation has been indispensable in galvanizing our society for the assault on illegal drug trafficking, organized crime, terrorism, and other serious criminal activity. It has also greatly intensified the demands made on over 83,000 Federal law enforcement officers.

Unfortunately, such legislation has largely overlooked the needs of those officers—the men and women on the front lines—those people charged with carrying out the "war on crime." In fact, their needs are rarely addressed at all in the legislative process, which accounts for the woefully inadequate state of Federal law with respect to issues that directly affect our law enforcement personnel. Historically, such issues have been addressed only piecemeal, with the resulting fragmentation that is all too well documented in the U.S. Code: A change is made in one area of the criminal justice system without considering its impact on other parts of the system, creating uncontrollable workloads for some agencies; a much-needed benefit is provided to officers in one agency, while ignoring others having the same—or greater—need; a statute is enacted which purports to benefit the entire civil service, but operates to the unique detriment of law enforcement officers.

As a result, serious inconsistencies exist among Federal law enforcement agencies ranging from inequities in pay and other benefits to basic law enforcement authority. This inevitably causes friction among agencies which impedes their cooperation in important crime-fighting efforts. It has also made it increasingly difficult for Federal law enforcement agencies to recruit and retain qualified personnel—especially in parts of the country where Federal officers' salaries are less than half that of their State and local counterparts.

I would imagine that most of my colleagues would be as shocked and amazed as I was to learn that the vast majority of our Federal law enforcement officers—men and women who are called upon each day to risk injury or death in agencies such as the Border Patrol, the U.S. Marshals Service, the Bureau of Alcohol and Firearms, and the Customs Service, to mention only a few—are paid a starting salary of only $14,822 a year! I ask my colleagues to consider how these young officers must struggle just to subsist on such wages, particularly in high cost-of-living areas. Adding insult to injury, these same new recruits are required to pay their own travel expenses to their first duty stations—which may be across the country from where they are living at the time of appointment. Such factors can take an incalculable toll on the morale of these Federal officers, and often results in their leaving Federal service for more profitable employment by State and local law enforcement agencies and the private sector.

I believe that the need for the legislation I am introducing today is critical and very well documented. The bill includes the following provisions.

Title I of the Comprehensive Federal Law Enforcement Improvements Act of 1987 would provide specific relief on several issues which are in need of immediate attention. First, it would amend an existing provision in the Federal Employees Retirement System [FERS] which disqualifies law enforcement officers from retiring at age 50 after 20 years' service—the longstanding "hazardous duty" early retirement option—if they are promoted to a management or supervisory position after less than 10 years of primary service. This provision penalizes the most talented young officers and acts as a disincentive to seeking advancement, ultimately impairing the ability of Federal law enforcement agencies to recruit and retain the most capable personnel. Under section 101 of the bill, the 10-year primary service requirement would be reduced to a more reasonable 3-year requirement.

Section 102 of the bill authorizes payment of the moving expenses of newly appointed law enforcement officers to their first duty station. As I mention previously, the vast majority of these young officers begin their service at the GS-5 level, which is presently $14,822 a year. It can be an overwhelming hardship when a new recruit must move across the country for his first assignment it takes a good portion of his first year salary just to move.

Section 103 of the bill would provide much-needed law enforcement authority to criminal investigators of the Offices of Inspector General in various executive branch agencies. These investigators routinely perform a wide

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variety of law enforcement functions—investigating serious Federal crimes and confronting dangerous criminals. Yet, they must do so without the most basic authority to carry firearms, make arrests, and serve warrants. When they develop a case to the point that an arrest or execution of a warrant is appropriate, they must call in another Federal law enforcement agency to make the arrest or serve the warrant, even though the IG criminal investigators have the necessary qualifications and training to perform those functions. The involvement of personnel from a second agency is unnecessarily costly and may involve delay and other factors which reduce the effectiveness of a criminal investigation.

Moreover, in the course of their work, fully trained IG criminal investigators must regularly expose themselves to extreme danger without the authority to protect themselves and others by carrying firearms. This section would provide IG criminal investigators with the necessary authority, under guidelines issued by the Attorney General, to carry firearms, make arrests, and obtain and serve warrants, subpoenas, and summonses. The bill would also included limited law enforcement authority for the special investigators who work in the special investigations unit at the General Accounting Office.

Section 104 of the bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to increase from $50,000 to $100,000 the benefits paid to survivors of public safety officers who died as a result of injury sustained in the line of duty. The section also eliminates the requirement that a parent, or parents, be a dependent, or dependents, of such officer in order to be an alternate beneficiary.

Title II of the bill would establish a National Advisory Commission on Law Enforcement to systematically address the issues which probably have the greatest impact on the ability of Federal agencies to attract and retain the most capable law enforcement officers: Inequities in compensation and other benefits among officers having similar qualifications, training, and responsibilities. The fact that such inequities exist is a testimony to the piecemeal and fragmented manner in which legislation related to law enforcement has been enacted over the years. The establishment of the National Advisory Commission on Law Enforcement would be an important first step toward filling that void.

With a membership drawn from the Congress, Federal law enforcement agencies, and other executive branch agencies, the Commission will be required to study the methods and rates of compensation of law enforcement officers in every Federal agency. The Commission would also examine how Federal law enforcement salaries compare to those of State and local officers in the same geographical areas. It would be authorized to use the existing staff and resources of Federal agencies, so that no appropriations would be required for the Commission to conduct its business.

The Commission would study the feasibility of a uniform system of overtime compensation for Federal law enforcement officers. The multiple systems currently in use by the various agencies breed their own inequities and reduce the overall cost effectiveness of providing overtime compensation.

Within 6 months after the act becomes law, the Commission would be required to submit its findings to the President and the Congress. These findings must include specific recommendations for legislation to rectify inequities in compensation and to otherwise address the issues within the Commission's mandate. While providing us with concrete legislative solutions on compensation issues, the Commission would also provide a model for addressing law enforcement issues in a comprehensive manner in the future.

Mr. President, I believe that the Comprehensive Federal Law Enforcement Improvements Act of 1987 would represent a significant advance toward dealing more effectively with the needs of our Federal law enforcement officers—the men and women from whom we expect to much. I urge my colleagues to join me in supporting prompt passage of this legislation, recognizing that the ultimate effectiveness of our criminal laws depends largely on the capability and morale of our Nation's law enforcement officers.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Federal Law Enforcement Improvements Act of 1987".

TITLE I—SPECIAL IMPROVEMENTS

SEC. 101. RESTORATION OF HAZARDOUS DUTY EARLY RETIREMENT OPTION UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

Section 8401(17)(B) of title 5, United States Code, is amended by striking out "for at least 10 years" and inserting in lieu thereof "for at least three years.".

SEC. 102. TRAVEL AND TRANSPORTATION EXPENSES TO FIRST DUTY STATIONS.

(a) The head of an agency may provide travel and transportation expenses to a newly appointed law enforcement officer, including the transportation expenses of his or her immediate family, household goods, and personal effects, from place of residence at the time of appointment to the first duty station, to the extent that payment of such expenses is authorized by section 5723 of title 5, United States Code, for a new appointee who may receive payments under that section.

(b) For purposes of this section—

(1) The term "agency" shall have the same meaning as provided in section 5721(1) of title 5, United States Code.

(2) The term "law enforcement officer" shall have the same meaning as provided in section 8401(17) of title 5, United States Code.

SEC. 103. LAW ENFORCEMENT AUTHORITY FOR CRIMINAL INVESTIGATORS OF OFFICERS OF INSPECTOR GENERAL.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended by inserting immediately after subsection (c) the following new subsection:

"(d) Subject to guidelines promulgated by the Attorney General of the United States, and under such regulations as the Inspector General may prescribe, investigators of the Office of Inspector General may—

"(1) conduct investigations concerning any violations of United States law related to the programs, personnel, or operations of the establishments;

"(2) for the purpose of conducting such investigations—

"(A) obtain and serve subpoenas and summonses issued under the authority of the United States; and

"(B) obtain and execute search and arrest warrants;

"(3) if designated by the Inspector General, and qualified under approved regulations governing the use of firearms, carry firearms for the purpose of performing the duties authorized by this Act; and

"(4) arrest without warrant any person for any violation of United States law related to the programs, personnel, or operations of the establishments—

"(A) in the case of a felony violation; and

"(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the investigator.".

SEC. 104. AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) BASIC LEVEL OF DEATH BENEFIT PAYABLE.—Section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) is amended by striking out "$50,000" and inserting in lieu thereof "$100,000, adjusted in accordance with subsection (g).".

(b) PARENTS AS BENEFICIARIES.—Section 1201(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)(4)) is amended by striking out "dependent".

SEC. 105. INVESTIGATIVE AUTHORITY OF THE COMPTROLLER GENERAL.

Section 712 of title 31, United States Code, is amended by—

(1) inserting "(a)" before "The Comptroller General"; and

(2) adding at the end thereof the following:

"(b)(1) The Comptroller General may assign employees of the General Accounting Office to carry out special investigations related to Federal programs or activities carried out under the laws of the United States, and potential criminal violations thereof.

"(2) In connection with any investigation conducted by employees referred to in paragraph (1), the Comptroller General may require by subpoena the attendance and testimony of any person and the production of any records or other evidence, except that the Comptroller General may only demand production of agency records pursuant to the provisions of section 716. The Comptroller General may subpoena the attendance and testimony of an agency officer or employee, except that the Comptroller General may not compel the testimony of an

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agency officer or employee concerning the contents of an agency record to which the Comptroller General does not have access pursuant to the provisions of section 716.

"(3) The attendance of any person to give testimony and the production of any records or other evidence may be required from any place in the United States or its territories at such reasonable places as may be designated. In case of disobedience to a subpoena for the testimony of an agency officer or employee, the Comptroller General may bring a civil action in the United States District Court for the District of Columbia to compel the testimony. In case of disobedience to a subpoena for the records or testimony of a person not in the United States Government, the Comptroller General may bring a civil action in the United States district court for the judicial district or territory where the person resides, is found, or carries on business, or where the records or other evidence are located, to require the attendance and testimony of any person and the production of any records or other evidence. Failure to obey an order requiring the production of testimony, records, or other evidence, may be punished as a contempt of court.

"(4) Except with respect to an employee as defined in section 2105 of title 5, United States Code, any person subpoenaed or deposed under this subsection shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

"(5) The Comptroller General may authorize employees of the General Accounting Office referred to in paragraph (1), qualified for the use of firearms, to carry firearms.

"(6) Any department or agency of the United States, including any law enforcement agency of the United States, may cooperate with, and provide assistance, on a reimbursable or nonreimbursable basis, in connection with any investigation, audit, or evaluation.".

SEC. 106. ASSAULTS ON PERSONNEL OF THE GENERAL ACCOUNTING OFFICE.

Section 1114 of title 18, United States Code, is amended by inserting after "National Credit Union Administration," the following: "or any officer or employee of the General Accounting Office assigned to perform audits, investigations, or evaluations,".

SEC. 107. OBSTRUCTION OF AUDITS AND INVESTIGATIONS OF THE GENERAL ACCOUNTING OFFICE.

Section 1505 of title 18, United States Code, is amended by striking "Congress" and the dash and inserting "Congress or any officer or employee of the General Accounting Office assigned to perform audits, investigations or evaluations—".

SEC. 108. INCLUSION OF INVESTIGATORS OF THE GENERAL ACCOUNTING OFFICE UNDER THE FEDERAL TORTS CLAIM ACT.

The last sentence of section 2680(h), of title 28, United States Code, is amended by—

(1) striking out "or" after "seize evidence,"; and

(2) striking the period at the end thereof and inserting ",or to conduct investigations pursuant to section 712(b)(1) of title 31.".

SEC. 109. OATHS AND AFFIRMATION.

Section 711(4) of title 31, United States Code, is amended to read as follows:

"(4) administer oaths and affirmations when conducting an investigation, audit, or evaluation.".

TITLE II—NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT

SEC. 201. DEFINITIONS.

As used in this title—

(1) the term "Commission" means the National Advisory Commission on Law Enforcement;

(2) the term "Commissioner" means a member of the National Advisory Commission on Law Enforcement; and

(3) the term "law enforcement officer" has the same meaning as provided in section 8401(17) of title 5, United States Code.

SEC. 202. ESTABLISHMENT AND PURPOSES OF THE NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT.

(a) ESTABLISHMENT.—There is established as an independent commission in the legislative branch of the United States a National Advisory Commission on Law Enforcement, which shall consist of the following members:

(1) four members of the United States Senate, two of whom shall be selected by the Majority Leader and two of whom shall be selected by the Minority Leader;

(2) four members of the United States House of Representatives, two of whom shall be selected by the Majority Leader and two of whom shall be selected by the Minority Leader;

(3) the Comptroller General of the United States, who shall also serve as Chairman of the Commission;

(4) the Director of the Office of Personnel Management;

(5) the Attorney General of the United States and three other officials of the Department of Justice who shall be designated by the Attorney General;

(6) the Secretary of the Treasury and two other officials of the Department of the Treasury who shall be designated by the Secretary of the Treasury;

(7) the Inspector Generals of three departments or agencies of the executive branch of the United States who shall be designated by the President of the United States; and

(8) three representatives from Federal employee groups.

(b) PURPOSES OF THE COMMISSION.—The Commission shall study the methods and rates of compensation including salary, overtime pay, and other benefits of law enforcement officers in all Federal agencies, as well as the methods and rates of compensation of State and local law enforcement officers in a representative number of areas where Federal law enforcement officers are assigned, in order to determine—

(1) the differences which exist among Federal agencies with regard to the methods and rates of compensation for law enforcement officers;

(2) the rational basis, if any, for such differences, considering the nature of the responsibilities of the law enforcement officers in each agency; the qualifications and training required to perform such responsibilities; the degree of personal risk to which the law enforcement officers in each agency are normally exposed in the performance of their duties; and such other factors as the Commission deems relevant in evaluating the differences in compensation among the various agencies;

(3) the extent to which inequities appear to exist among Federal agencies with regard to the methods and rates of compensation of law enforcement officers, based on consideration of the factors mentioned in paragraph (2) of this subsection;

(4) the feasibility of devising a uniform system of overtime compensation for law enforcement officers in all or most Federal agencies, with due regard for both the special needs of law enforcement officers and the relative cost effectiveness to the Government of such a system compared to those currently in use;

(5) how the salaries paid to Federal law enforcement officers compare to those of State and local officers in the same geographical area, especially those in "high cost-of-living" areas;

(6) the impact of the rates of compensation paid by various Federal agencies on the lifestyle, morale, and general well-being of law enforcement officers, including their ability to subsist;

(7) the recruiting and retention problems experienced by Federal agencies due to: inequities in compensation among such agencies; the differences between rates of compensation paid to Federal law enforcement officers and State and local officers in the same geographical areas; and other factors related to compensation; and

(8) the extent to which Federal legislation and administrative regulations may be necessary or appropriate to rectify inequities among Federal agencies in the methods and rates of compensation for law enforcement officers; to address the lack of uniformity among agencies with regard to overtime pay; to provide premiums or special rates of pay for Federal law enforcement officers in high cost-of-living areas; to ensure that the levels of compensation paid to Federal law enforcement officers will be competitive with those paid to State and local officers in the same geographical areas; and to address such other matters related to the determinations made under this subsection as the Commission deems appropriate in the interests of enhancing the ability of Federal agencies to recruit and retain the most qualified and capable law enforcement officers.

SEC. 203. POWERS OF THE COMMISSION.

(a) SPECIFIC POWERS.—The Commission shall have the power to—

(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(2) enter into and perform, without regard to 31 United States Code, section 3324, such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization;

(3) request such information, data, and reports from any Federal agency or instrumentality as the Commission may from time to time require and as may be produced consistent with other law; and

(4) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties.

(b) OTHER NECESSARY POWERS.—The Commission shall have such other powers as may be necessary to carry out its functions under this Act and may delegate to any member or designated person such powers as may be appropriate in the conduct of its functions.

(c) RESOURCES FROM OTHER FEDERAL AGENCIES.—Upon the request of the Commission, each Federal agency is authorized and directed to make its resources, services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

(d) RESOURCES OF INDIVIDUAL COMMISSIONERS.—Each Commissioner may utilize the resources, services, equipment, personnel, information, and facilities of his or her Feder-

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al agency or, in the case of the Commissioners who are members of Congress, his or her congressional office, as may be necessary in the conduct of the Commissioner's respective functions as a member of the Commission.

(e) QUORUM AND VOTING.—A simple majority of the Commissioners then serving shall constitute a quorum for the conduct of business by the Commission, and the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the Commissioners present.

(f) DUTIES OF CHAIRMAN.—The Chairman of the Commission shall call and preside at meetings of the Commission; provided, however, that the Chairman may delegate to any other Commissioner the authority to preside at meetings of the Commission.

SEC. 201. REPORT AND DISSOLUTION OF COMMISSION.

(a) REPORT.—Within six months following the date of enactment of this Act, the Commission shall prepare and deliver to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, a written report setting forth—

(1) the findings and determinations made by the Commission pursuant to section 201(b); and

(2) specific proposals for such legislation and administrative regulations as the Commission has determined to be necessary or appropriate pursuant to section 201(b)(8).

(b) TERMINATION OF COMMISSION.—The Commission shall be terminated upon the adjournment, sine die, of the 100th Congress.

● Mr. D'AMATO. Mr. President, I am proud to be an original cosponsor of this legislation providing a "fair deal" for our brave Federal law enforcement officers. I commend Senator DECONCINI for introducing this bill, and for calling attention to the increasingly serious plight of these brave men and women who risk their lives, and their families' security, on our behalf every day.

Over the years, many inequities have crept into the system governing pay, benefits, and promotion for Federal law enforcement officers. In his statement, Senator DECONCINI has reviewed these at length. I shall restrict most of my remarks to one area, that of salaries.

According to information compiled by the FBI Agents Association, and printed in the fall 1987 issue of FBI Agent, annual starting salaries for patrolmen in Nassau County, NY, and in New York City exceed those of FBI agents by approximately $1,000. FBI agents start at $24,732; New York City policemen at $25,977; and Nassau County Police at $25,677. After a year, this pay gap widens dramatically, with FBI agents earning an average of $25,556; New York City Policemen $30,298; and Nassau County Police $28,421.

The pay gap is even wider for new DEA agents, who start at $18,358, and for those starting with the Border Patrol, Marshals Service, BATF, and Customs Service, where the starting salary can be as low as $14,822.

The problems these low pay scales and many other inequities create for the recruiting and retaining of qualified personnel are truly enormous. It is time we address them.

Title I of this bill solves three problems for Federal officers immediately by:

First. Eliminating a major disincentive to talented young officers by reducing the so-called primary service requirement from 10 to 3 years. Under this provision, promotion to a management or supervisory position after less than 10 years of primary service would no longer disqualify an officer from retiring after 20 years of service at age 50;

Second. Authorizing payment of moving expenses for newly appointed law enforcement officers to their first duty stations; and

Third. Providing law enforcement authority to criminal investigators in the offices of executive branch agency inspectors general. This gives them the authority they need to do their job: Carry firearms, make arrests, and serve warrants.

To address the more complex issues of State and local law enforcement among Federal agencies, title II of this bill creates a Commission to study those differences, the extent to which they are justified by differences in the respective duties of the various agencies, and the feasibility of a uniform system of overtime compensation for Federal law enforcement officers. The Commission would also compare Federal law enforcement salaries to those of State and Local law enforcement agencies.

Six months after this bill becomes law, the Commission must submit its findings, and recommendations for corrective legislation, to the President and the Congress.

I urge my colleagues to give this bill their full support, so that we may begin to give our Federal law enforcement officers more of the careful attention they deserve.●

● Mr. MOYNIHAN. Mr. President, I rise today to join Senator DECONCINI in introducing the Comprehensive Federal Law Enforcement Improvements Act of 1987. This bill is a vitally important step in examining and improving our Nation's law enforcement operations.

Adequate compensation for law enforcement personnel at the Federal, State, and local level is essential to improving our law enforcement system. Nowhere is the need more evident than in my own city of New York, where the high cost-of-living has made it difficult for the FBI to attract new agents and retain experienced professionals. In New York City, the Citizen's Crime Commission, headed by Mr. Thomas A. Reppetto, is studying this issue and plans to release its findings early next year.

This bill establishes a National Advisory Commission on Law Enforcement to study the compensation of law enforcement officers in all Federal agencies, as well as State and local law enforcement officers in areas where Federal law enforcement officers are assigned.

This Commission would be comprised of members of the Senate, the House of Representatives, the Office of the Comptroller General, the Office of the Attorney General, the Department of Treasury and other Federal employee organizations.

Specifically, this Commission would address the differences among Federal agencies in compensation and whether those differences are based on the personnel risk and responsibilities associated with the position. In addition, the Commission will address the salary differences between Federal officers and State and local officers assigned to the same area. Often times, as in the case of the FBI in New York City, the responsibilities of the Federal officers parallel those of the local officers but the compensation does not.

Within 6 months after enactment of this bill, the Commission will have to report back to Congress and the President on its findings and recommend specific remedies for any unacceptable discrepancies in salary.

This Commission is a start. With it we may finally compensate our Federal law enforcement officers in a fair and reasonable manner.

This bill also makes some substantive changes in our current Criminal Code. It will raise the level of death benefits provided for in current law from $50,000 to $100,000. It will also allow criminal investigators in the Office of the Inspector General to serve subpoenas, obtain search warrants and carry firearms if necessary. This provision will enable these officers to proceed in a criminal investigation without having to wait for other law enforcement officials to intercede.

I would urge all my colleagues to support this bill.●

● Mr. DOMENICI. Mr. President, I am pleased to join my good friend from Arizona [Mr. DECONCINI] in introducing this important bill.

The American people often identify crime as the most important problem facing our Nation. Few of us can say we are "safe" from crime. The sad fact is that crime seems to be everywhere.

While the front-line of fighting crime is at the State and local level of government, Congress has passed a variety of major crime-fighting bills. Behind solid Presidential leadership, Congress has passed the Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986.

These two acts focused attention on the war against crime, providing law enforcement agencies and the courts with many of the tools they need to get the criminals off the streets. Yet the demands on law enforcement agencies continues to mount.

This holds particularly true for Federal law enforcement agencies and officers. Frankly, Congress has not done a very good job providing for these men and women. This is not because

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of a lack of concern. It is simply that there is no single congressional forum to address these needs. Thus, the issues failed to receive the attention they deserve.

This bill addresses the problems facing Federal law enforcement agencies. These difficulties fall into two broad categories: Recruiting and retention efforts, plus the issue of basic law enforcement authorities.

A key issue involves benefits provided to Federal law enforcement personnel. It may surprise many of my colleagues to learn that most of the men and women who enter the various Federal law agencies enter at the GS-5 level at a starting salary below $15,000 annually.

That salary level makes it difficult to attract top quality personnel, particularly when State, local, and private law enforcement agencies can offer higher pay.

Making Federal recruiting more difficult is the fact that most of the recruits must pay their moving expenses when reporting for their first duty station. While this bill does not address the pay situation directly, it does provide some help by authorizing the Federal Government to pay those moving expenses.

Another provision complicating our efforts to retain good people involves the Federal Employees Retirement System [FERS]. The retirement system disqualifies certain law enforcement officers from the early retirement option available to most Federal law enforcement personnel.

These officers are prohibited from the hazardous duty early retirement if they have been promoted to a management or supervisory position after fewer than 10 years of service. Thus, young officers are encouraged from seeking advancement.

This bill reduces the 10-year requirement to a 3-year requirement.

The bill also increases the death benefits paid to the survivors of a slain officer from $50,000 to $100,000. This amount has not been increased since the Public Safety Officers' Death Benefits Act became law 11 years ago.

In the pursuit of criminals, Federal agents often face great personal danger. Yet many of these agents also lack authority to carry firearms, make arrests, and execute warrants.

Section 103 of this bill grants to Federal inspectors general and certain General Accounting Officer personnel full law enforcement authority. This authority would be carried out under guidelines issued by the Attorney General.

Mr. President, I am confident that my colleagues agree with me that we should do everything possible to make the job of our Federal enforcement officers a little bit easier. We have passed major crime-fighting laws in recent years, but we have failed to give those who administer these laws the resources they need to implement these laws.

This new bill starts in the right direction. It will not solve all the problems I have mentioned. But it will start to correct some of the inequities facing today's law enforcement officials.

Preliminary estimates provided by the Congressional Budget Office calculate that this bill will increase Federal outlays by $20 to $30 million annually.

I think my colleagues will agree that this is a relatively modest cost for improvements to our Federal law enforcement efforts. I urge my colleagues to study this bill and to support it.●

By Mr. EVANS (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. HARKIN, Mr. DECONCINI, Mr. DASCHLE, Mr. BINGAMAN, Mr. PRESSLER, Mr. BURDICK, and Mr. WIRTH):

S. 1976. A bill to amend the Indian Child Welfare Act which establishes standards for the placement of Indian children in foster or adoptive homes, to prevent the breakup of Indian families, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN CHILD WELFARE ACT AMENDMENTS

Mr. EVANS. Mr. President, I rise today to introduce the Indian Child Welfare Act Amendments of 1987. The Indian Child Welfare Act was signed into law on November 8, 1978, and serves to protect one of the most vital resources in Indian country: the children.

Congress passed this law in response to the alarmingly high percentage of Indian children who were separated from their families and tribal heritage by the interference, often unwarranted, of nontribal public and private agencies. With regularity these children were placed in non-Indian foster and adoptive homes and institutions. Furthermore, many States, exercising jurisdiction over Indian child custody proceedings often have failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families.

Mr. President, it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. The Indian Child Welfare Act was to further this policy through the establishment of minimum Federal standards for the removal of Indian children from their families and by requiring the placement of such children in foster or adoptive homes which are reflective of the unique values of Indian culture. In addition, the act provides for assistance to Indian tribes in the operation of child and family service programs.

This policy to protect the best interest of the child has served as the operating philosophy of the tribes, child welfare programs, and courts. The Indian Child Welfare Act is recognized as being consistent with the modern trend in child custody and child welfare. Unfortunately the implementation of this act has been resisted by some who believe it places too much emphasis on the interests of Indian tribes. The recent Halloway decision in the Utah Supreme Court and the Navajo tribal court system is indicative of this controversy surrounding the act.

The Halloway case was a powerful test of application of the Indian Child Welfare Act. The case was settled in the Navajo Nation courtroom of Window Rock, AZ. In spite of considerable public outcry over the operation of the Indian Child Welfare Act, the Utah Supreme Court overturned an adoption of a Navajo child by a non-Indian couple after the child had been in their home for 6 years while custody was being contested in the court system.

Mr. President, during a recent hearing before the Senate Select Committee on Indian Affairs, legal counsel in the Halloway case, Mr. Craig Dorsay, stated that:

While the outcry was based on the injustice that would befall the child if he were removed from the home he had known for such a long time, the debate ignored whether the Navajo Tribal Court could operate to protect the child's best interest to the same extent as a state court. The recent settlement of the *Halloway* case in a manner which protected the Navajo child's emotional ties to his non-Indian parents and at the same time protected his cultural and tribal ties with his natural family and the Navajo Nation shows that the initial outcry from Utah Supreme Court reversal was unwarranted and that the Indian Child Welfare Act indeed can operate to reach a result that was most consistent with protecting all facets of the childs emotional and physical well being.

Mr. President, I agree with Mr. Dorsay and believe this decision was the best that could be considered and ultimately one which will uphold tribal sovereignty.

It is extremely unfortunate that this young Indian boy and his family were subjected to such a long and trying court battle. This unreasonable delay stems from conflicting views over interpretation of the Indian Child Welfare Act. Lack of clarity in the act has resulted in many court disputes over jurisdiction and agency responsibility. Furthermore, ambiguities inherent in the language of the act have helped to sustain these problems.

Mr. President, for nearly a decade, the Indian Child Welfare Act has served admirably to prevent Indian children from being placed in adoptive and foster-care settings with non-Indian families. This act has served to raise the consciousness of non-Indian courts and State agencies about the existence of Indian tribes and the legitimate interests that Indian tribes have in their children. Unfortunately, however, lack of adequate funding and Federal commitment to implementation of the act have made it necessary for us to seek amendments.

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